

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Roderick Jerome English,)	C/A No. 1:12-511-JFA-SVH
)	
Plaintiff,)	
)	
vs.)	
)	
South Carolina Department of Corrections Mental)	ORDER
Health; and William R. Byars, Jr., as Agency)	
Director of the South Carolina Department of)	
Corrections,)	
)	
Defendants.)	
_____)	

This is a civil action filed by a state prisoner. By orders dated March 12, 2012, and April 26, 2012, Plaintiff was given specific time frames in which to bring this case into proper form. [Entry #9, #16]. Plaintiff has substantially complied with the court's orders, and this case is now in proper form.

PAYMENT OF THE FILING FEE:

By filing this case, Plaintiff has incurred a debt to the United States of America in the amount of \$350. *See* 28 U.S.C. § 1914. This debt is not dischargeable in the event Plaintiff seeks relief under the bankruptcy provisions of the United States Code. *See* 11 U.S.C. § 523(a)(17). The Prison Litigation Reform Act (PLRA) of 1996 permits a prisoner to file a civil action without **prepayment** of fees or security, but requires the prisoner "to pay the full amount of the filing fee" as funds are available. *See* 28 U.S.C. § 1915(a), (b). **The agency having custody of Plaintiff shall collect payments from Plaintiff's prisoner trust account in accordance with 28 U.S.C. § 1915(b)(1) and (2), until the full filing fee is paid.** *See Torres v. O'Quinn*, 612 F.3d 237, 252 (4th Cir. 2010) ("We hold that 28 U.S.C. § 1915(b)(2) caps the amount of funds that may be withdrawn from an inmate's trust account at a maximum of twenty percent *regardless of the number of cases or appeals the inmate has filed.*") (emphasis in original).

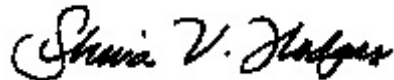
Plaintiff has submitted an application to proceed without prepayment of fees and affidavit (Form AO 240) and a financial certificate, which are construed as a motion for leave to proceed *in forma pauperis*. *See* 28 U.S.C. § 1915(a)(1), (2). A review of the motion reveals that Plaintiff does not have the funds to pay the first installment of the filing fee. Therefore, the amount due from Plaintiff is currently \$350.

Plaintiff's motion for leave to proceed *in forma pauperis* [Entry #2] is **granted**.

TO THE CLERK OF COURT:

This case is subject to summary dismissal based on an initial screening conducted pursuant to 28 U.S.C. §1915 and/or 28 U.S.C. § 1915A. Therefore, the Clerk of Court shall ***not*** issue the summonses or forward this matter to the United States Marshal for service of process at this time.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "Shiva V. Hodges". The signature is written in a cursive, flowing style.

June 28, 2012
Columbia, South Carolina

Shiva V. Hodges
United States Magistrate Judge